



EMPIRE STEVEDORING CO. LTD.

POLICY ON USE OF SURVEILLANCE SYSTEM

1. SCOPE OF POLICY

EMPIRE STEVEDORING CO. LTD. (“EMPIRE”) is operating a marine terminal subject to the International Ship and Port Facility Security (“ISPS”) Code, which was developed in answer to the 9/11 events, as adopted through the *International Convention for the Safety of Life at Sea*. EMPIRE has developed this Policy on Use of Surveillance System (the “Policy”) to comply with the ISPS Code and to guide the organization in the decision-making process and in carrying out video surveillance (“Surveillance System”). This Policy also provides details on the accountability of EMPIRE when using a Surveillance System, on the purposes of the use of such Surveillance System, on the operation of the Surveillance System, on the storage and security measures pertaining to the Surveillance System, and on the management of surveillance records.

2. ACCOUNTABILITY

The person at EMPIRE in charge of the Surveillance System is the Marine Facility Security Officer (“MFSSO”). EMPIRE shall require employees and contractors that will have access to the Surveillance System and related records to review and apply the Policy in performing their duties and functions related to operation of the system and to sign written agreements outlining their duties under the Policy, which shall include strict confidentiality obligations. Employees shall be subject to discipline if they breach the Policy (or applicable laws). Where contractors are used, failure to comply with the Policy, or applicable laws, should constitute a breach of contract leading to penalties up to and including termination of the contract.

The Policy shall be incorporated into personnel training and orientation programs, including the ISPS training, and contractors should be required to do the same with their employees. The organization’s employees and contractor personnel should periodically be reminded of the Policy and the Policy itself should be reviewed regularly and updated as needed every two years.

3. PURPOSES OF USE OF SURVEILLANCE SYSTEM

EMPIRE intends to use a Surveillance System for the purpose of ensuring the security of its premises and employees and to detect crimes in problematic areas in which there is a documented high risk of vandalism, theft and terrorism. The Surveillance System may also be necessary for cargo and equipment damage insurance purposes, to monitor traffic flow of ships, trucks, forklifts, off-road vehicles, as well as for monitoring hazardous cargo and environmental spills and issues. Any information generated by the Surveillance System may only be used for other purposes, in compliance with applicable privacy legislation as well as EMPIRE’s applicable policies.

The authorization for undertaking video surveillance for any purpose other than the purposes detailed in this section shall be provided by EMPIRE’s President after having undertaken a Privacy Impact Assessment.

4. OPERATION OF THE SURVEILLANCE SYSTEM

Authorized personnel. The persons in the organization authorized to view the surveillance record are limited to the President, the MFSO, the security guards at the front gate, and selected managers on a need-to-know basis. The power for such person(s) to delegate their powers is limited, and shall include only other senior staff.

Notice. EMPIRE shall install clear notices in the areas under surveillance in accordance with legal requirements.

Surveillance Periods. The periods and times when surveillance will be in effect will be restricted to periods when there is a likelihood of crime being committed and detected in the area under surveillance, taking into account the purpose of the Surveillance System, as detailed in Section 3 of this Policy.

Layout of the Surveillance Cameras. The layout of the Surveillance System cameras shall be designed to target the safety of the installations and/or to detect criminal and related activities more fully-detailed in section 3 of this Policy, while minimizing the effects of camera surveillance and preserve individuals' privacy as much as possible. The field of vision of the cameras used shall not suggest they are being used for permanent and constant monitoring of employees. EMPIRE shall identify the strategic areas which would minimize the risk of vandalism or theft and the installation of the Surveillance System shall be restricted to identified areas that are selected on the basis that surveillance in such areas is necessary and would be a viable deterrent. More specifically, the Surveillance System cameras shall not be positioned, internally or externally, to monitor areas outside a building, or to monitor other buildings, unless necessary to protect external assets or ensure personal safety. Cameras shall not be directed to look through the windows of adjacent buildings.

5. STORAGE AND SECURITY MEASURES

EMPIRE shall protect the information generated by the Surveillance System by making security arrangements to protect it, in accordance with this section of the Policy.

Location of Equipment. The recording equipment (i.e., the place where audio, visual or other signals received through the Surveillance System will be monitored) shall be located at 851 Chemin des Moulins, Montreal, QC H3C 6V9.

Storage. If the Surveillance System creates a record, all tapes or other storage devices (such as computer disks or chips) that are not in use shall be stored securely in a locked receptacle located in a controlled access area. Access to the storage devices should be possible only by authorized personnel. Logs should be kept of all instances of access to, and use of, the recorded material.

Safeguards. The information contained in the reports generated through use of the Surveillance System will be kept entirely confidential and retained in accordance with applicable laws. More specifically, EMPIRE will use electronic measures such as passwords and firewalls to protect this information as well as organizational measures, such as restricting employee access to information generated by the Surveillance System and ensuring that such information is only accessed by employees on a "need to know" basis based on their role within EMPIRE.

Retention of information. The information generated by the Surveillance System shall not be retained for longer than needed for the purposes detailed in this Policy, unless authorized by law and in accordance with the applicable EMPIRE privacy and retention policies. Subsection entitled “Erasing Data” of section 6 of this Policy provides guidance on such periods. In the event that the information generated by the Surveillance System needs to be retained for a longer period of time, the reasons for such retention shall be documented in writing and the destruction of the information shall be confirmed in writing.

Service providers. EMPIRE shall take steps, through contractual or other reasonable means, to ensure that a comparable level of information protection is implemented by service providers who may assist in providing services to EMPIRE for the Surveillance System.

6. MANAGEMENT OF SURVEILLANCE RECORDS

Disclosures and Evidence. Any disclosure of video surveillance recordings outside EMPIRE (for instance, to law enforcement) should be justified and documented. More specifically, EMPIRE shall retain and store Surveillance System devices or recordings required for evidentiary purposes according to standard procedures upon law enforcement authorities requesting them. A storage device release form should be completed before any storage device is disclosed to appropriate authorities. The form should indicate who took the record, under what authority, when this occurred, and if it will be returned or destroyed after use.

Destruction. Tape recordings generated from the Surveillance System should be destroyed once they are no longer necessary and EMPIRE must securely dispose of old storage devices. Physically breaking open a videotape cassette, audiotape, or computer disk is not sufficient, and EMPIRE shall undertake to ensure that the storage media is shredded, burned or magnetically erased.

Erasing Data. Information recorded by the Surveillance System should be routinely erased where no incident has been reported, or where viewing the recorded information reveals no incident, according to a standard schedule of a maximum of one hundred twenty days. If viewing the information reveals no incident, or no incident is reported, the information will be erased within this period unless circumstances may necessitate different retention periods. When the recorded information reveals an incident that contains personal information about an individual, and the EMPIRE uses this information to make a decision that directly affects the individual, EMPIRE will keep this information for a certain reasonable period after the decision is made. If personal information (e.g., street numbers and licence plates) not linked to the purpose of an investigation is captured, it shall be deleted or depersonalized as soon as is practicable.

Individual Access Rights. An individual who is the subject of surveillance or appears on the Surveillance System recordings for a period during which an incident was reported to EMPIRE has a right to request access to his or her recorded personal information (and/or images relating to themselves) under applicable privacy legislation by contacting the MFSO. When disclosing recordings to individuals who make an access request, EMPIRE shall ensure that identifying information about any other individuals on the recording is not revealed. If that information can reasonably be severed (for instance, this can be done through technologies that mask identity), an applicant has the right of access to the remainder of the record.

7. COMPLAINTS AND WHISTLEBLOWING

Any EMPIRE employee which suspects that a EMPIRE representative has accessed the information generated by a Surveillance System, otherwise than in compliance with this Policy, may contact the MFSO and report the incident witnessed. EMPIRE has procedures in place to receive and respond to complaints or inquiries about this Policy and EMPIRE shall investigate all incidents reported and complaints. If an incident or a complaint is found to be justified, EMPIRE will take appropriate measures, including, if necessary, amending its policies and practices and taking disciplinary measures against its employees and representatives that have acted in breach of this Policy.

This Policy was last updated on January 1st, 2017.

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